IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL FIRST APPEAL NO.228/1998.

M/s.Greaves Cotton & Company Ltd.

VERSUS

M/s.Bharat Engineers & Consultants & Others.

27.08.2007.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Alok Garg, for the appellant.

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The appellant was required to file fresh notices for all the three respondents and with correct addresses for the respondents No.1 and 2. The same not having been filed, the matter came up before the court on 20.04.2006 on which date the court passed the following order:-

"20.04.2006.

One weeks time prayed for and granted to do the needful, failing which this appeal shall automatically stand dismissed without reference to the court."

As per the office report dated 29.04.2006 fresh process fee and notices were filed but not with the correct addresses, as such, the appeal was liable to be dismissed in view of the order dated 20.04.2006.

Thereafter, the matter was listed before the Deputy Registrar (Judicial) on 10.07.2006, and even as per the office report, the correct process fee and notices with the correct addresses were not filed. It is reported by the office report dated 25.10.2006 that the notices could not be issued because the fresh addresses have not been given, as such, the appeal was liable to be dismissed under the peremptory order.

The matter again came up before the court on 22.05.2007 and the court granted one last opportunity to do the needful but the appellant failed to take steps in that behalf within one week, as granted.

It is in this background that the appeal is listed today for orders.

In view of the facts which have been mentioned above, since the process fee and notices with the correct fresh addresses for the unserved respondents have not been filed since 2006, the appeal stands dismissed for non-prosecution.

In view of the above facts, the application filed on 28.07.2007 by the appellant stating that the addresses mentioned are the correct addresses is also dismissed in view of the orders dated 20.04.2006 and 22.05.2007.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.